

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN THOMAS ENTLER,

Plaintiff,

v.

FRANCISCO PERALES, *et al.*,

Defendants.

Case No. C07-5167 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION DENYING
DEFENDANTS' MOTION TO
DISMISS


This civil rights action comes before the Court on the Report and Recommendation of the Magistrate Judge that Defendants' motion to dismiss be denied. The Plaintiff, a Washington State inmate, alleges First Amendment retaliation by Defendants in that they retaliated against him by writing false infractions against him due to his history of filing grievances and lawsuits. The Magistrate Judge found that Plaintiff has stated a viable claim of First Amendment retaliation and that Defendants are not entitled to qualified immunity for a claim of intentional violation of constitutional rights. The Defendants have not file objections to the Report and Recommendation.

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendants' motion to dismiss (Dkt. # 15) is **DENIED**;

1 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants
2 and to the Hon. Karen L. Strombom.

3 DATED this 26th day of November, 2007.
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7 FRANKLIN D. BURGESS
8 UNITED STATES DISTRICT JUDGE
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